

EXHIBIT 60

GERHARD OSWALD December 10, 2008
HIGHLY CONFIDENTIAL

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

- - - - -
ORACLE CORPORATION, a Delaware)
corporation, ORACLE USA, INC., a)
Colorado corporation, and ORACLE)
INTERNATIONAL CORPORATION, a)
California corporation,)
Plaintiffs,)
v.) Case No.
) 07-CV-01658 PJH (EDL)
)
SAP AG, a German corporation, SAP)
AMERICA, INC., a Delaware)
corporation, TOMORROWNOW, INC.,)
a Texas corporation, and DOES)
1-50, inclusive,)
Defendants.)

- - - - -
HIGHLY CONFIDENTIAL

VIDEOTAPED DEPOSITION OF MR. GERHARD OSWALD

VOLUME I

Wednesday, December 10, 2008

AT: 8:52 a.m.

Taken at:

Bingham McCutchen LLP
41 Lothbury

London EC2R 7HF

UNITED KINGDOM

GERHARD OSWALD

December 10, 2008

HIGHLY CONFIDENTIAL

Page 89

12:54:06 1 Q. And if you turn to the next page, the strategy

12:54:09 2 page on page 2050, the goal is listed as:

12:54:20 3 "Our goal is to convert the majority of the

12:54:22 4 PeopleSoft and J.D. Edwards customer base to SAP and contain

12:54:28 5 Oracle's potential growth in the next generation application

12:54:31 6 market."

12:54:55 7 A. Yes.

12:54:56 8 Q. And that was SAP's goal at the time; correct?

12:55:02 9 A. Yes.

12:55:03 10

12:55:06 11

12:55:19 12

12:55:24 13

12:55:27 14

12:55:29 15

12:55:34 16

12:55:40 17

12:55:45 18

12:55:50 19

12:55:54 20

12:56:59 21

12:57:03 22

12:57:20 23

12:57:21 24

12:57:26 25

GERHARD OSWALD December 10, 2008
HIGHLY CONFIDENTIAL

Page 94

13:46:40 1

13:46:46 2

13:47:22 3

13:47:26 4

13:47:30 5

13:47:36 6

13:47:39 7

13:47:51 8 Q. And the ultimate goal was to try to get the

13:47:54 9 TomorrowNow customers to become SAP applications customers;

13:47:55 10 correct?

13:48:01 11 A. That's correct.

13:48:04 12

13:48:15 13

13:48:19 14

13:48:24 15

13:48:39 16

13:48:44 17

13:48:50 18

13:49:09 19

13:49:11 20

13:49:13 21

13:49:18 22

13:49:36 23

13:49:37 24

13:49:42 25

GERHARD OSWALD December 10, 2008
HIGHLY CONFIDENTIAL

Page 170

1

2

CERTIFICATE OF DEponent

3

4

GERHARD OSWALD, hereby certify that I have read the
foregoing pages, numbered 1 through 172, of my deposition of
testimony taken in these proceedings on Wednesday, December
10, 2008, and, with the exception of the changes listed on
the next page and/or corrections, if any, find them to be a
true and accurate transcription thereof.

5

6

7

8

9

10

11

Signed: *gerhard*

12

Name: GERHARD OSWALD

13

Date: *12.10.2008*

14

15

16

17

18

19

20

21

22

23

24

25

Merrill Legal Solutions
(800) 869-9132